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SLOBIN & SLOBIN
ATTORNEYS AT LAW
A Professional Corporation
ONE RIVERWAY
SUITE 1950

Telephone (713) 871-1133

HOUSTON, TEXAS 77056

Facsimile (713) 871-1618

August 9, 2001

The City of Lincoln
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

Attention: Ms. Kathleen Sellman
Director of Planning

Re: Oak Creek Apartment Project (the "Real Property")

Dear Ms. Sellman:

The undersigned has reviewed a Title Commitment issued by Capitol Title Company located in Lincoln, Nebraska, which indicates that Robert W. White and Louise B. White are the owners of the Real Property.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

SLOBIN & SLOBIN, ATTORNEYS AT LAW, P.C.

By: 

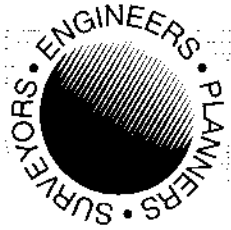
Sanford J. Slobin
For the Firm

SJS/mja

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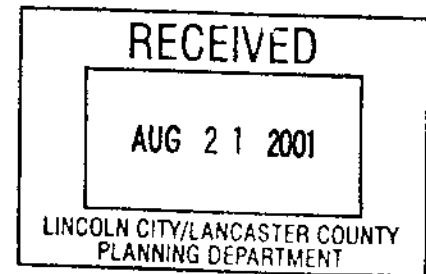
ROSS
Engineering,
Inc.

Ms. Kathleen Sellman, AICP
Planning Director
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508

RE: Community Unit Plan
Oak Creek Apartments
North 1st and Charleston Streets – Lincoln, NE
REI Project No. 129801-B

August 17, 2001

cc KS
RAY
Jason



ESTABLISHED
1974

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Tomorrow*

Dear Kathleen:

The purpose of this letter is to indicate the proposed changes that we plan to implement in adjusting the limits of the Community Unit Plan to omit the easternmost twelve acres which include a portion of the original City of Lincoln landfill and some of the existing wetlands that we illustrate on our Existing Topographic Site Plan. We also plan to include the 17 acres of land bounded by the BNSF Railroad and Union Pacific Railroad tracks, located adjacent to and west of the proposed site of the Oak Creek Apartments, near No. 1st and Charleston Streets.

We have been in contact with Glenn Johnson, General Manager of the Lower Platte South NRD, who informed me that the NRD is very interested in being deeded the 17 acres, in connection with the expansion of the Lincoln Saline Wetlands Nature Center which is located adjacent to and west of the 17 acres. There are two existing wetlands located within the 17 acres which comprise approximately 45% of the area. These wetlands will be preserved and expanded by removal of some of the upland material from the site and use in providing some of the fill material that is needed for the proposed apartments and parking lots.

We plan to resubmit the revised CUP Drawings and legal description for the Oak Creek Apartments by Thursday, August 23, 2001 and wanted to advise the City Departments that this revision will be forthcoming, to avoid any unnecessary review and comment time on the part of City staff and other agencies.

The Candy Factory
201 North 8th Street
Suite 401
Lincoln, NE 68508
Phone 402.474.7677
Fax 402.474.7678

1311 19th Street
Suite 102
Auburn, NE 68305
Phone 402.274.4828
Fax 402.274.4821

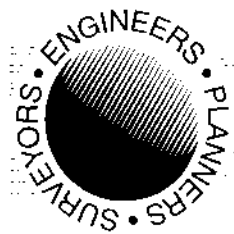
Thank you for your time. Please feel free to give me a call if you have any questions or comments.

Sincerely,

ROSS ENGINEERING, INC.

Ron E. Ross, P.E.
President

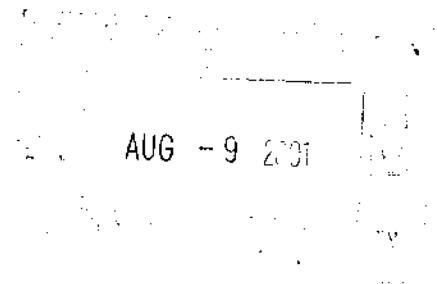
cc: Paula Barrerra
Mike Rierdon
Melinda Pearson



ROSS
*E*ngineering,
*I*nc.

August 9, 2001

Ms. Kathleen Sellman, AICP
Planning Director
City of Lincoln Planning Department
555 South 10th Street
Lincoln, NE 68508



RE: Community Unit Plan
Oak Creek Apartments
South 1st and Charleston Streets - Lincoln, NE
REI Project No. 129801-B

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Tomorrow*

Dear Kathleen:

On behalf of The Dinerstein Companies, we are submitting an Application for a Community Unit Plan (CUP) to develop 156 apartment units and a clubhouse. Other amenities include a swimming pool, basketball court and volleyball court. There will be a mail kiosk located near the clubhouse for all mail deliveries. The apartment complex will have 36 two-bedroom units, 24 three-bedroom units and 96 four-bedroom units. The proposed apartment complex is targeted for college students. The Dinerstein Companies have been providing quality housing for college students since 1997. Currently they have complexes in 20 states throughout the United States.

The developer will provide transportation to and from the University of Nebraska by use of a shuttle bus. This will reduce traffic to and from the complex. The shuttle bus will use an alternative route around the North Bottoms neighborhood.

This application for a CUP is in conjunction with a Change of Zone request. Michael Rierden, with Rierden Law Office, has previously submitted the Change of Zone. We are requesting that the two items be reviewed together. Included with this submittal is an Exhibit identifying the Change of Zone.

The proposed development is generally located at 1st and Charleston Streets and lies within the 100-Year Floodplain. There will be minimal fill required due to excavation on site in the northwest corner and within the adjacent 17 acres. There will be some trucked in clay material under the buildings. The area of the CUP consists of approximately 33 acres and is located on Lot 82 IT of Section 15 and Lot 264 IT of Section 22. Of the total area, only 10.14 acres will actually be developed, with the remaining area open space and existing wetlands. In addition there is approximately 17 acres that are outside the boundary of this CUP. The 17 acres are on Lot 132 IT of Section 22. Although it lies outside the boundary of the CUP, it is being included as part of the overall master plan.

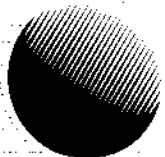
Wetlands exist on the subject property. The Dinerstein Companies retained Terracon Consultants, Inc. to perform a jurisdictional wetlands determination and delineation on the 33-acre parcel. Terracon identified a total of 5.21 acres of wetlands in four categories. The four categories are described as Wt-1, Wt-2, Wt-3 and Wt-4.

Wt-1 consists of 2.64 acres and is the largest of the four. Wt-1 is located adjacent and west of the existing horse exercise track. Wt-2 is located at the southwest corner of the horse exercise track and comprises 0.18 acres. The third wetland area Wt-3 is a crescent-shaped area located in the eastern portion of the subject property. Approximately 2.24 acres comprises the wetland area for Wt-3. Wt-4 is located in the northeast portion of the subject property. Wt-4 consists of approximately 0.14 acres.

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www.rossengineering.com



The proposed development will not impact the existing wetlands. The developer has incorporated the wetlands in the site plan so as not to disturb any of the wetlands. In addition to the wetlands discussed above, there are additional wetlands to the southwest across the railroad tracks. This area is approximately 17 acres. The Dinerstein Companies have agreed to deed the 17 acres to the Lower Platte South Natural Resources District (NRD). The addition of the 17 acres would enable the NRD to enhance the existing Lincoln Saline Wetlands Nature Center located adjacent to and west of the 17 acres. The developer plans to use the higher areas within the 17 acres to obtain borrow material. More wetlands would be created as a result of obtaining borrow material, consistent with the intent of the NRD.

Portions of the site were reportedly used for solid waste disposal by the City of Lincoln. Terracon has performed an Electromagnetic Survey to identify the limits of the landfill, as well as dug test pits to confirm this finding. The limits of the landfill are identified on Sheet 11. There is no existing landfill within the limits of the developed area.

There is an existing 10-inch sanitary sewer main on Charleston Street. An 8-inch sanitary sewer main will be extended to service the development. The sanitary sewer main within the complex will be private. The water main will extend west along Charleston Street from 1st Street. It will be 8-inch along Charleston Street and Public. A district will be requested for the construction of the water main along Charleston Street. The water main will be reduced to 6-inches to serve the development. The water main will be private within the development and will include a meter and backflow preventer.

Charleston Street west of 1st Street will be improved to a 33-foot-wide public street. A paving district will be requested for the improvements to Charleston Street and no new streets will be constructed for this proposed development. Drives within the complex will be 25-feet wide. There will be one parking stall per bedroom, with a total of 567 parking stalls. Twelve of the parking stalls are handicap.

We are requesting the following waivers to Design Standards:

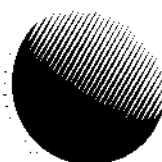
1. Chapter 2.05 Section 8. Detention-retention storage.
2. Chapter 3.50 Section 7.3 and 7.4. Screening of multi-family dwellings and residential lots backing onto railroads.

Due to the existing wetlands, close proximity to Oak Creek, and the approximate 23 acres of open space, we feel a detention pond is not warranted. Storm water will surface drain throughout the complex. The majority of the area will surface drain into limestone sedimentation basins and then into open areas. The northwest portion of the development will drain through storm sewer pipes outletting into Oak Creek.

Due to the remote location of the apartments and the amount of open space, we are requesting a waiver to the screening of multi-family dwellings. Open space and the Lincoln Saline Wetlands Nature Center are to the south and west, and Oak Creek borders on the northwest. There is extensive open space and wetlands to the east. The only area that is in close proximity to an adjacent lot is in the extreme northeast section of the development. This area consists of the clubhouse and one apartment building. There is screening of the parking lot in this area. We also have 23 shade trees located throughout the parking lot.

We are requesting a waiver to Chapter 27.71 Section 27.71.140 of Title 27 Lincoln Municipal Code. This section states that there be a 40-foot clearance between buildings that are three stories in height. In order to avoid building in the wetland areas we need to locate some buildings closer together than 40 feet.

AUG - 9 2000



Included with this submittal are the following:

A) Plans

- | | |
|---------------------------------------|-----------|
| 1. Cover Sheet | 7 copies |
| 2. Existing Topographic Site Plan (1) | 7 copies |
| 3. Existing Topographic Site Plan (2) | 7 copies |
| 4. Site Plan | 17 copies |
| 5. Grading Plan | 7 copies |
| 6. Drainage Area Plan | 7 copies |
| 7. Street Profiles (1) | 7 copies |
| 8. Street Profile (2) | 7 copies |
| 9. Utility Plan | 7 copies |
| 10. Landscape Plan | 7 copies |
| 11. Limit of Landfill | 7 copies |

B) Filing Fee Check in the amount of \$2,195.00

Sincerely,

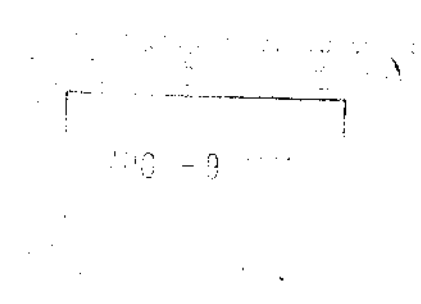
ROSS ENGINEERING, INC.

Ron E. Ross, P.E.
President

cc: Paula Barrerra
Mike Rierden
Melinda Pearson
Pat Sward

129801L09.doc

RER:am





June 25, 2001

J. Michael Rierden
645 "M" Street - Suite 200
Lincoln, NE 68508

RE: Change of Zone No. 3329 at 300 W. Charleston Street
Text Change of Zone No. 3328

Dear Mike:

On June 19, 2001, you met with Ray Hill, Kathleen Sellman, Marc Wullschleger, Pat Birch, and Jason Reynolds. The following is a summary of our meeting:

- The Urban Development Department is about to initiate a study in this area. HDR will be conducting an ownership survey and doing grant research.
- Of particular concern are traffic and transportation issues. The student housing application should include a traffic study showing the impacts on Charleston Street and the North Bottoms neighborhood. How will the students get from this housing to the campus?
- There are a number of physical barriers to the site. It is close to campus at the crow flies, but I-180 and the rail lines are significant obstacles.
- In early February, the new Comprehensive Plan Document should move to public hearings. **Until the new plan is adopted, Planning Department recommendations will be based on the current Comprehensive Plan, which identifies the area as Industrial. We strongly recommend you postpone the change of zone request until the new Comprehensive Plan is adopted.**
- If the change of zone to R-3 Residential were approved without an accompanying Preliminary Plat/Community Unit Plan, the City would have no guarantee that the area would develop in a particular way - uses would be as permitted by R-3 Residential zoning.
- The State Department of Roads is redesigning Highway 6/Sun Valley Boulevard. They have filed corridor protection, however the final alignment has not been determined. The realignment could have a significant impact on the access from the site to the campus.
- The area is in the 100 year flood plain and appears to contain saline wetlands. The developer should contact the Army Corps of Engineers about a 404 permit.
- The text change of zone should be presented to the Neighborhood Roundtable. Contact Ann Harrell in the Mayor's office for scheduling information (441-8044).
- Timing is very important to the client. As a student housing provider, they want to time their opening with the academic calendar.


050



- Marc would like to know the size of the investment for this project.
- Marc suggested meeting with the Mayor about the proposed student housing.

If you find this summary is incorrect or lacking any salient details, please contact me at 441-7620.

Sincerely,



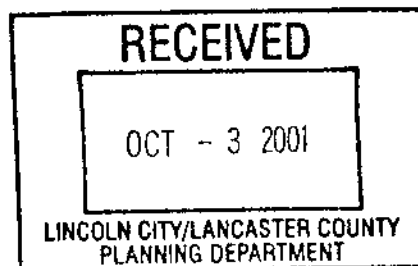
Jason Reynolds
Planner

cc: Ray Hill
Kathleen Sellman
Marc Wullschleger
Pat Birch
Nicole Fleck-Tooze, Public Works
Ann Harrell
file

I:\PC\CZ\3300\cz3329.meeting.notes.jwr.wpd

PROPOSED AMENDMENTS

- 1.2.7 Provide grading and drainage over the entire area covered by the CUP, except existing wetlands located in the 16.5 acre tract which will not be disturbed, as requested by the Department of Public Works & Utilities.
- 1.2.10 Revise the plans to show the connection to the trail system on the south side of Oak Creek and provide a level plane for the trail system to go through in the area abutting the property.
- 1.2.21 Provide parking lot screening which meets design standards along the east property line except where adjacent to existing wetlands.
- 2 This approval permits 157 dwelling units, 120 of which are dwelling s for non-related persons with 480 occupants....



IN SUPPORT

ITEM NO. 3.2a,b,c: CHANGE OF ZONE NO. 3328
CHANGE OF ZONE NO. 3329
✓SPECIAL PERMIT NO. 1928
(p.121 - Public Hearing - 10/03/01)

**WEST "O" STREET AREA BUSINESS ASSOCIATION
540 W. INDUSTRIAL LAKE DRIVE
LINCOLN, NE 68528**

October 3, 2001

To: All City-County Planning Commissioners

Re: Change of Zoning #3328 & #3329
Special Permit # 1928


After seeing and being informed, by the developer and Mike Rierden, of the site layout for Dr. White's property, we as West "O" Street Area Business Association, support this development on an orderly manner.

We believe this is the only good use of this property in our Association's boundaries.

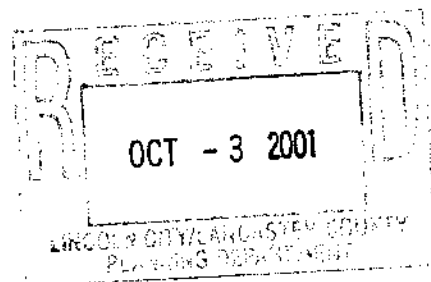
The wetland on this property will be deeded over to the Lower Platte South NRD and be made part of the "Lincoln Saline Nature Center".

For this we say thanks.

Sincerely,


Rich Wiese,
President

cc: Mike Rierden



IN SUPPORTITEM NO. 3.2a,b,c: CHANGE OF ZONE 3328
CHANGE OF ZONE 3329
SPECIAL PERMIT 1928

(p.121 - Public Hearing - 10/03/01)

CHAMELEON & COMPANY, INC.

641 PIER ONE, LINCOLN, NE 68528

PHONE: (402) 475-4746 FAX: (402) 475-4771

October 1, 2001

Planning Commission
555 South 10th Street
Lincoln, Nebraska 68508RE: Oak Creek Apartments
North 1st Street & Charleston Street

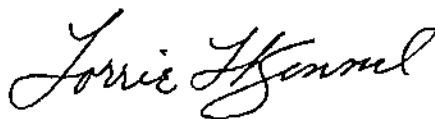
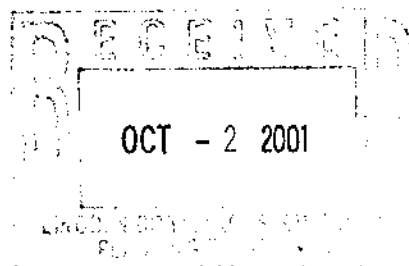
The purpose of this letter is to express support for the redevelopment of the Oak Lake area, including the recently completed Haymarket Park and the proposed Oak Creek Apartments to be located west of North 1st Street & Charleston Street.

Last year I purchased approximately 50 acres of land west of Sun Valley Blvd., south of Charleston Street, and north of the Union Pacific Railroad. I have obtained a Flood Plain Permit for my property and at this time I plan to begin development in this general area in the next 12 to 18 months. My understanding is that the State of Nebraska and the City of Lincoln are looking to realign the existing Sun Valley Blvd. and tie into the intersection of North 1st & Charleston Street. I would like to see this area developed with smaller tracts of commercial and service uses, as compared to larger industrial uses. Therefore, I am contemplating submitting a Change of Zone for this area from Industrial to Highway Commercial.

I also feel that the intended uses I have in mind for this area, coupled with the existing mini-storage units located north of Charleston Street, will be compatible with the proposed student housing project. I encourage the Planning Commission to support the Change of Zone requested by the Dinerstein Companies to R-3 Residential along with the Special Permit for the 156-unit apartment project.

If the City of Lincoln supports the proposed Oak Creek apartments I feel this will encourage the redevelopment of the area south of Oak Creek with more upscale development, which will compliment the area, just as Haymarket Park has done.

Yours truly,

Lorrie Kennel
President, Chameleon & Co., Inc.Cc: Kathleen Sellman
Paula Barrera
Ron Ross
Mike Rierden

TO: Lincoln City/Lancaster County Planning Commission

10-17-01

Subject Matter: Change of Zone No. 3328 to amend Title 27 of Lincoln Municipal Code and Change of Zone No. 3329 and Special Permit No. 1928, Student Housing Community Unit Plan..

- 1.. Amendment of Title 27.. Lincoln cannot properly enforce the current provisions in regards to student housing..
2. With proper comp. Plan amendments (which incidentally is a common occurrence in the City of Lincoln) the changes could be utilized in unfavorable locations, such as , older neighborhoods..
3. Student housing sounds good, however, state and federal laws prohibits landlords from showing discrimination towards possible renters. In essence anyone could take advantage of the proposed Title 27 changes which in itself could create major problems like the City of Lincoln now contends with.

Change of Zone No. 3329 and Special Permit No. 1928, Student Housing Community Unit Plan.

1. The entire project lies within the 100 year floodplain which will require fill and it is irrelevant as to where the fill is obtained from.
2. Evidently the project could not meet no net rise provisions as this fact is not mentioned in any paper work I have reviewed.
3. Portions of the complex is located in the proximity of railroad tracks which are utilized to transport hazardous materials on occasion. Direct your attention to the Health Department report.
4. The proposed development is in proximity of the City of Lincoln Tow Lot which also is located within the 100 year floodplain and only has provisions for approximately twenty (20) tie downs to accommodate 400 to 600 impounded vehicles in the event of a major flood. Which in itself creates an additional risk to the proposed development. Incidentally, public testimony given to the Lincoln City Council by Public Works stated that their would be tie downs provided for all impounded vehicles which amounted to a lie on the part of City of Lincoln Department of Public Works and Building and Safety.
5. A major portion of the storm water runoff from the proposed development will drain into Oak Creek which currently handles run off from Home Base storage located at 1701 No. First St. and the Pfizer Saline Wetlands at First and Cornhusker. Incidentally, keep in mind the fact that Oak Creek drains into SALT CREEK which I might add, the City of Lincoln has created a possible major flood threat out of as a result of very poor planning. Which I might add, the so called esteemed Planning Commission has had a part in contributing.
6. IN the event of a major flood how would emergency vehicles enter the proposed development.
7. There are large amounts of fill being placed in areas surrounding the proposed development which no doubt will add to the risk of flooding. In addition, what is proposed to be built at the other fill locations? Will they be compatible with the proposed development??

These are but a few of myself and others concerns that reside in the Salt Creek Floodplain.

Danny Walker

Thank You
Danny Walker

Cc file



PHOTO #1

SUBMITTED AT CONTINUED PUBLIC
HEARING BEFORE PLANNING COMMISSION
BY DANNY WALKER: 10/17/01

HOME BASE STORAGE

1701 No 1st.

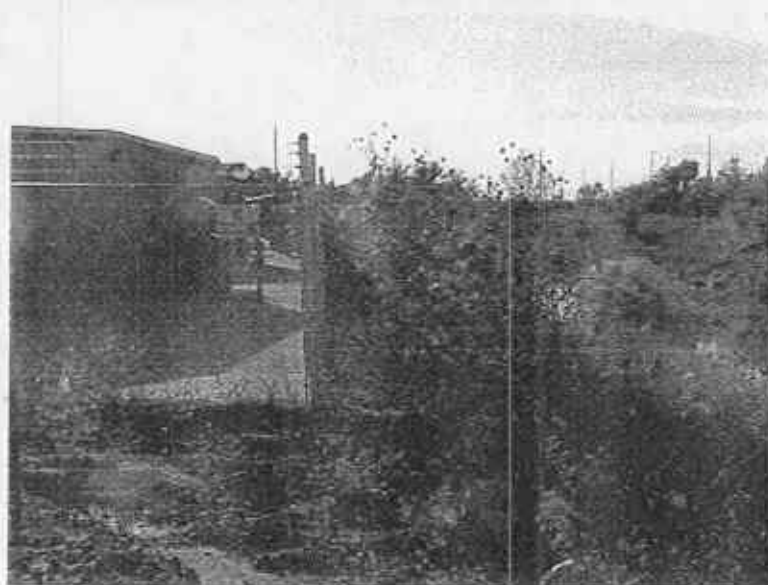


OAK CREEK
LEVEE EROSION
SOUTH SIDE

Photo #2



OAK CREEK
LEVEE EROSION
SOUTH SIDE
FIRST STREET



HOME BASE
STORAGE
1701 No. 1st



HOME BASE
STORAGE
1701 No 1st.

PHOTO #3

OAK LEVEE EROSION
SOUTH SIDE
FIRST STREET

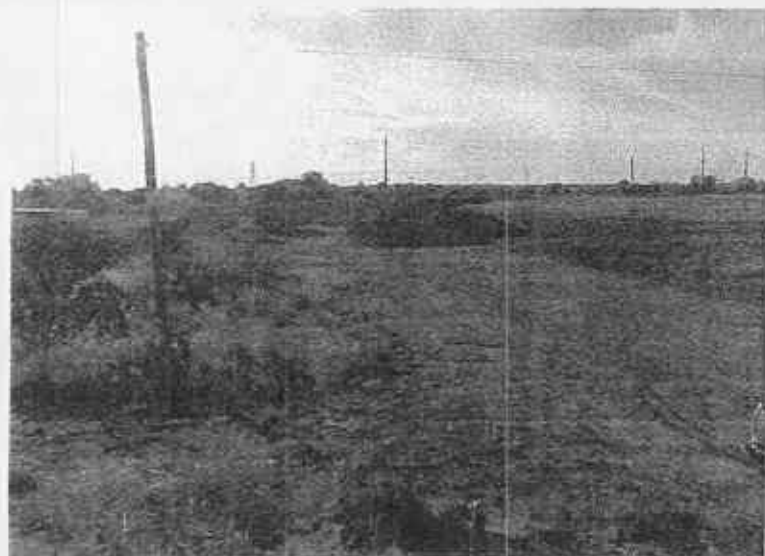




Photo #4

FILL = NEAR HAY MARKET
PARK ENTRANCE



SAME

